

REMARKS**I. Introduction**

Claims 1-70 remain pending in the present application but are rejected in the Current Action under 35 U.S.C. § 103(a). The Applicant respectfully submits that the comments contained herein fully traverse these rejections and respectfully asks the Examiner to withdraw them.

II. The Current Action's Rejections Are Confusing and Lack Specificity

M.P.E.P. § 706. 02 (j) requires the Examiner to set forth, among other things, "the difference or differences in the claim over the applied reference." In the Current Action, the Examiner admits that the proposed reference fails to teach the steps as laid out by the claims, but contends that "these are differences found only in the non-functional data . . . that does not distinguish the claims from the" reference. *See* Current Action at 4. However, the Current Action makes no attempt to identify what differences the Examiner means nor which aspects of the claims the Examiner feels are "non-functional." The Applicant respectfully asks the Examiner to comply with M.P.E.P. § 706. 02 (j) and indicate the differences between the claims and the applied reference, and to also specifically identify which aspects of the claims the Examiner feels are "non-functional data."

The Current Action goes on to provide what appears to be a motivation contention for the obviousness rejection addressed later in this Response. According to the Current Action, it "would have been obvious to . . . apply such digital information to mail pieces or to any other object and then monitor the use of the information." *Id.* The Applicant is unsure to what "digital information" the Examiner refers and, respectfully, does not understand the reference to "mail pieces" at all. The Applicant, thus, respectfully asks the Examiner to explain the apparent motivation statement in order to give the Applicant a full and fair opportunity to respond.

III. The Current Action Fails to Establish a Prima Facie Case

All of claims 1-70 stand rejected as obvious over what appear to be proposed modifications to the single reference Hogan et al., U.S. Patent No. 6,279,039 (hereinafter

Hogan). However, the Applicant respectfully points out that the Current Action has failed to establish a prima facie case. M.P.E.P. § 2143 requires a rejection to meet three criteria before a prima facie case is established. First, motivation to modify the reference must be found either in the reference itself, or in the knowledge available to one of ordinary skill in the art. Second, the modification must have inspired a reasonable expectation of success. Third, the reference and the proposed modification must teach or suggest all of the limitations of the rejected claims. As discussed above, the Applicant respectfully asks the Examiner to clarify the apparent motivation statement on page 4 of the Current Action, as it references “digital data” and “mail pieces” the Applicant is unable to identify. Without a clear showing motivation, the Current Action can not establish a prima facie case. In addition, without conceding the second criteria, the Applicant respectfully asserts that the Current Action has failed to meet the third criteria as well, because the reference and modification proposed does not teach or suggest all the limitations of any one of claims 1-70.

Claim 1 is directed to a system for detecting fraud that, among other things, uses “a subscriber prepaid balance” and “information with respect to the services provided” to arrive at a “fraud detection subscriber account balance,” which is used to “determine a fraud condition in an associated subscriber account independent of said determination subscriber prepaid balance by said prepaid balance system.” Contrary to the contentions of the Current Action, *Hogan* does not teach or suggest such an independent determination of a fraud condition. The generalized fraud detection system of the *Hogan* system is described in the specification at column 99, line 60 – column 105, line 28, and describes a Fraud System PB102 that monitors the transaction computations already made by the prepaid system looking for situations (such as cost of a recently completed call) that trigger a fraud threshold (such as a call that is unusually expensive). *Hogan* does not teach or suggest a fraud detection system that utilizes a separately determined “fraud detection subscriber account balance” to determine a fraud condition independent of a determination made by the prepaid balance system. Therefore, the Applicant respectfully asserts that the Current Action has failed to establish a prima facie case, and respectfully ask the Examiner to withdraw the rejection to claim 1.

Claim 27 is directed to a method for detecting fraudulent use of a service network by not only a prepaid system that determines an account balance by accounting for credits and

debits, but by also separately “determining a service value using accepted transaction information.” Contrary to the contentions of the Current Action, *Hogan* does not teach or suggest separately determining a service value, but rather relies on the normal account balance determinations of the system. The generalized fraud detection of the *Hogan* system, described in the specification at column 99, line 60 – column 105 line 28, teaches a Fraud System PB102 that receives service rates directly from the Rating System LA102, and monitors these rates for fraud triggers. *Hogan* does not teach or suggest Fraud System PB102 determining a separate service value. Therefore the Applicant respectfully asserts that the Current Action has failed to establish a prima facie case for rejecting claim 27, and respectfully asks the Examiner to withdraw the rejection.

Claim 62 is directed to a method of detecting fraudulent use of a telephone network by not only a prepaid calling system’s interaction with a subscriber to arrive at a prepaid account balance, but by also separately determining the “value” of a telephone network call attributed to a “call data server subscriber” and using this “value,” and information received from the subscriber’s prepaid calling system, to determine a “call data server subscriber account balance.” Contrary to the contentions of the Current Action, *Hogan* does not teach or suggest the separate determinations of an prepaid account balance and a “call data server subscriber account balance,” nor does the fraud detection system of *Hogan* separately determine the “value” of a network call. The generalized fraud detection system of *Hogan* has Fraud System PB102 receiving call rates directly from the Rate System LA102, not determining a “value” separately, and no determination of Fraud System PB102 appears to be similar to a “call data server subscriber account balance.” Therefore, the Applicant respectfully asserts that the Current Action has failed to establish a prima facie case for rejecting claim 62, and respectfully asks the Examiner to withdraw the rejection.

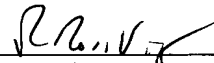
Claims 2-26, 28-61, and 63-70 each depend from one of claims 1, 27, and 62, and thus each of claims 2-26, 28-61, and 63-70 inherits the limitations of its respective base claim. Although each of claims 2-26, 28-61, and 63-70 recites limitations that make it patentable in its own right, each is at least patentable for depending from a patentable base claim. Therefore the Applicant respectfully asks the Examiner to withdraw the rejections to claims 2-26, 28-61, and 63-70 as well.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P120US/10023619 from which the undersigned is authorized to draw.

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Respectfully submitted,

By  _____

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